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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**  
**PORTLAND DIVISION**

**JAMES GIBSON and LAURIE GIBSON,**  
husband and wife,

Plaintiffs,

v.

**OWYHEE PRODUCE, LLC,** an Oregon  
limited liability corporation,

Defendant.

**Case No. 3:11-cv-01132-SI**

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW,  
AND ORDER**

THIS MATTER comes before the court based upon defendant's motion  
for summary judgment striking plaintiffs' First Claim for Relief (violation of Employer's

**1 - FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

Liability Law) on the ground and for the reason that no issue of fact exists, the court having reviewed the records and files herein and the briefs of the parties, having heard the arguments of the parties, and being fully advised in the premises, makes the following

### FINDINGS OF FACT

There is no fact issue presented in plaintiffs' First Claim for Relief (violation of the Employer's Liability Law);

### CONCLUSIONS OF LAW

There is no just reason that exists for delay in the entry of a final judgment in favor of the defendant and against the plaintiffs on plaintiffs' First Claim for Relief only; *for the reasons stated in the Court's Opinion and Order (Dkt. No. 29).*

NOW, THEREFORE,

IT IS HEREBY ORDERED that defendant's motion for summary judgment against plaintiffs' First Claim for Relief (violation of Oregon's Employer Liability Law) only is hereby allowed.

IT IS FURTHER ORDERED that the case shall be stayed pending plaintiffs' right to appeal pursuant to the court's findings herein and Federal Rule of Civil Procedure 54B.

DATED this 29<sup>th</sup> day of October, 2012.



The Honorable Michael H. Simon

Presented by:  
Gary J. Susak, OSB # 722586  
Attorney for Plaintiffs